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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,685	06/07/2007	Jim Blair	82250-2	3089
22504	7590	05/05/2008	EXAMINER	
DAVIS WRIGHT TREMAINE, LLP/Seattle 1201 Third Avenue, Suite 2200 SEATTLE, WA 98101-3045				RATCLIFFE, LUKE D
ART UNIT		PAPER NUMBER		
3662				
MAIL DATE		DELIVERY MODE		
05/05/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/593,685	BLAIR, JIM	
	<b>Examiner</b>	<b>Art Unit</b>	
	LUKE D. RATCLIFFE	3662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 19 September 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,2,6,10,11 and 14-18 is/are rejected.  
 7) Claim(s) 3-5,7-9,12,13,19 and 20 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 19 September 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1, 2, 6, 10, 11, and 14-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Nayebi (20040095585).**

Referring to claims 1, 10, and 17, Nayebi shows a method of optically determining a physical attribute of an object moving along a deviced path including fixing one or more cameras (figure 9 Ref 10, 18, and 22), fixing one or more fanned lasers (paragraph 46), optically establishing a mathematical spatial relationship between the cameras and the plane of each of the laser beams (paragraph 38), creating a pixilated image (paragraph 68-70), selecting at least one pixel location on each image (paragraph 68-70), determine the three dimensional position of the point based on the two dimensional position of the pixel (paragraph 68-70), and using the three

dimensional position of the respective point to determine the physical attribute of the object (paragraph 25-30).

Referring to claim 2, Nayebi shows establishing an orientation and location of each camera and laser plane and deriving a transformation function for calculating the tree dimensional position of the points within the plane (paragraph 38).

Referring to claims 6 and 16, Nayebi shows a pixel location is defined to sub pixel accuracy using image analysis (paragraph 86).

Referring to claim 11, Nayebi shows forming the calibration device further comprises arranging the first and second planar surfaces at right angles to each other (paragraph 38-40).

Referring to claim 14, Nayebi shows fixing the at least one fanned laser comprises fixing two or more fanned lasers at respective locations outside of the path whereby the laser beams from each laser projects onto the moving object at different locations (figure 2-4).

Referring to claim 15, Nayebi shows fixing the at least one camera comprises fixing two or more cameras such that each camera is able to view the intersection of at least two laser beams with an object at the trigger location (figure 2-4).

Referring to claim 18, Nayebi shows establishing an orientation and location of each camera further comprises temporarily mounting a calibration device and for each camera creating a first pixilated image of the calibration devise and calculating a transformation equation between pixel locations (paragraph 38-40).

***Allowable Subject Matter***

Claims 3-5, 7-9, 12, 13, 19, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUKE D. RATCLIFFE whose telephone number is (571)272-3110. The examiner can normally be reached on 10:00-5:00 M-Sun.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on 571-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LDR  
/Thomas H. Tarcza/  
Supervisory Patent Examiner, Art Unit 3662